RECEIVED
CENTRAL FAX CENTER

SEP 14 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeffrey C. Schroeder

Serial No.: 09/604,824 **Group Art Unit:** 2614

Filed: June 27, 2000 **Examiner:** John Manning

For: SYSTEM AND METHOD FOR INTEGRATING WEATHER DATA INTO TELEVISION BROADCAST

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Concomitant with the filing of a Notice of Appeal in the instant matter, Applicant requests a review of the legal and factual bases set forth in the June 14, 2006 final rejection of the above-identified application by a panel of examiners under the Pre-Appeal Brief Conference Pilot Program. Arguments in support of this request are set forth below. No amendments to the claims are being submitted with this request.

I. **Summary of Rejection**

Claims 34-88 are currently pending in the instant application. Claims 34-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,940,776 (Baron et al.)(hereinafter, "Baron") in view of U.S. Patent No. 6,275,774 (Baron Sr. et al.)(hereinafter, "Baron Sr."). Claims 46-83 are rejected in view of these patents and various Official Notices claimed by the Examiner.

II. **Neither Cited Reference Teaches or Suggests a Portable Monitoring Station Located at Each of the Plurality of Geographic Locations of Applicant's Claimed Invention (Claims 34-88)**

A. In Neither Reference is the Purported Monitoring Station "Portable"

In response to Applicant's last Response Including Amendment dated March 14, 2006, the Examiner modified his rejection, now setting forth that host computer 16, weather data sources 18, and local sensor pack 57 taught by Baron are equivalent to Applicant's "portable monitoring station," "the monitoring station

including, means for sensing the weather parameters," "generating weather parameter signals representing the weather parameters," and "means for transmitting the weather parameter signals from the monitoring station." (*Office Action dated June 14, 2006*, p. 3). The Examiner argues that as "[c]omputers are inherently portable; consequently host computer is 16 portable." (*Id.* at p. 4). However, independent claims 34, 61, and 75 (and the remainder of the pending claims by their dependency) set forth that the portable monitoring station of Applicant's invention includes each of the "means for sensing the weather parameters," "generating weather parameter signals representing the weather parameters," and "means for transmitting the weather parameter signals from the monitoring station." Thus, using the Examiner's argument that host computer 16, weather data sources 18, and local sensor pack 57 *in toto* comprise an equivalent to Applicant's "monitoring station," all of these aforementioned elements and limitations – not just host computer 16 – must be portable. Clearly, by themselves, each/all of weather data sources 18 are not intended as so, as indicated in Baron (*see, e.g., Col. 5, lines 30-41*)(showing, e.g., radar and satellite dishes) and as referenced by the Examiner himself. (*Office Action dated June 14, 2006*, p. 3). Thus, host computer 16, weather data sources 18, and local sensor pack 57 cannot be deemed to be a "portable" monitoring station. As this limitation is not taught or suggested by either reference, a *prima facie* case of obviousness cannot stand.

B. In Neither Reference is the Purported Monitoring Station Located at Each of the Plurality of Geographic Locations, and the Examiner Does not Provide Sufficient Support for Such Teaching/Suggestion

The Examiner admits that Baron does not teach monitoring stations at each of a plurality of geographic that are capable of sensing the weather parameters prevailing at each of a plurality of geographic locations, generating weather parameter signals representing the weather parameters, and transmitting the weather parameter signals from the monitoring station. Instead, he states that Baron Sr. provides such teaching. However, the Examiner does not provide sufficient support for such teaching, merely referencing various sections within Baron Sr. (*See, Office Action dated June 14, 2006*, p. 4)(*referencing Baron Sr.*, "(See Col. 4, Lines 6-30; Col 6, Lines 43-58, Col. 9, Lines 11-26, Col, 10 Lines 33-44)"). This vagueness may be seen, for example, at Col.4 lines 6-30, which is merely a reference to the "Brief Description of the Drawings" section. Thus the Examiner has failed to meet his burden of showing where this element is taught. Again, a *prima facie* case of obviousness cannot stand.

III. Neither Cited Reference Teaches or Suggests a Base Station Including Means for Receiving the Weather Parameter Signals from the Monitoring Station (Claims 34-88)

Applicant's claimed invention sets forth that the base station includes means for receiving the weather parameter signals representing the weather parameters from the monitoring station. (*See, claims 34, 61, 75*). As set forth above, the Examiner's asserted equivalent to Applicant's monitoring station is Baron's host

computer 16, weather data sources 18, and local sensor pack 57. The Examiner further states the local cable service provider (CSO) 14 of Baron is equivalent to Applicant's base station (*Office Action dated June 14, 2006,* pp.3-4)). Thus, according to the Examiner's construct, CSO 14 would have to receive weather parameter signals representing the weather parameters from any of the computer 16, weather data sources 18, and local sensor pack 57. In fact, as shown in FIG. 1 of Baron, the weather signals are not so received, but instead received from local television broadcast station 12 via antenna 40, after the data from weather data sources 18 has been appropriately processed and conditioned for broadcast. Thus, this additional element is missing and *a prima facie* case of obviousness cannot stand.

IV. Neither Reference Teaches or Suggests Applicant's Production Switching Means and Means Coupled with the Production Switching Means Elements, and the Examiner Does not Provide Sufficient Support for Such Teaching/Suggestion (Claims 34-60)

The Examiner admits that Baron teaches neither the production switching means element nor the means coupled with the production switching means element of Applicant's claimed invention, but states that Baron Sr. provides such teaching. However, again, the Examiner does not provide sufficient support for such teaching, merely referencing various sections within Baron Sr. (*See, Office Action dated June 14, 2006,* p. 4)(*referencing Baron Sr.,* "(See Col. 4, Lines 6-30; Col 6, Lines 43-58, Col. 9, Lines 11-26, Col, 10 Lines 33-44)"), none of which teach or suggest these elements. Thus the Examiner has failed to meet his burden of showing where these elements are taught and, again, a *prima facie* case of obviousness cannot stand.

V. The Examiner Has Failed to Show How the Reference Teaches or Suggests a Number of Limitations Set forth in the Dependent Claims

The Examiner has failed to show how the reference teaches or suggests a number of limitations set forth in the dependent claims. Applicant has set forth examples below. These are by way of illustration and are not intended to be exhaustive.

A. Claims 35 and 76

Claims 35 and 76 require that the television broadcast signals are live video signals including portions which can vary responsive to the weather parameters prevailing at the geographic locations. The Examiner merely refers to his rejection of claims 34, 36, 75, and 77 in rejecting these claims. However, while Baron teaches that the television broadcast signals are live video signals, there is no teaching or suggestion that portions of these signals can vary ***responsive*** to the weather parameters. (E.g., in Applicant's invention the wind speed icon changes in response to the wind speed signal).

B. Claims 40 and 79-81

The Examiner rejects claims 40 and 79 over Baron. Claim 40 requires that the icon signal generating means is simultaneously responsive to the wind direction signals to create a wind direction icon signal representing a wind direction icon, and to the wind speed signals to create a wind speed icon signal representing a wind speed icon. (Claim 79 contains a similar limitation). The Examiner refers to a section in Baron that discusses the local sensor pack 57. Although not much information is given with respect to this device, Baron states the local meteorological data from the local sensor pack 57 is combined with the serial data stream from the VBI receiver and external commands received over the PSTN 58 and then combined with image maps of geographical and topographical features to create weather images 52 (*Baron,* Col. 7, 24-30). This indicates that the only graphical images that are added are the geographical and topographical image maps. There is no other indication that wind direction icon signals or wind speed icon signal are created. Baron Sr. also does not teach or suggest this feature. Claims 80 and 81 depend directly or indirectly from claim 79, and thus the same argument applies to these claims.

C. Claim 41-44

The Examiner further rejects claim 41 for the same reason claims 34, 36, 75, and 77. While Baron implicitly indicates that weather parameters at a plurality of geographic locations are continuously monitored, neither Baron nor Baron Sr. teach or suggest Applicant's claimed limitation that they are continuously monitored so that changes in the weather parameters can be matched with changes in the television broadcast signals. Claims 42-44 depend directly or indirectly from claim 41, and thus the same arguments applies to these claims.

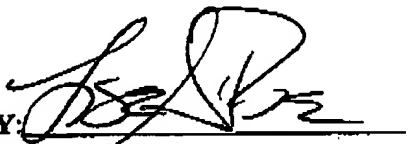
D. Claims 52-60

Claim 52 depends from claim 47, the latter of which sets forth that the monitoring station includes a microcontroller coupled to receive the weather parameter signals from the sensing means. Claim 52 sets forth that the microcontroller includes operator interface means coupled with the microcontroller. In rejecting claim 52, the Examiner states that this feature is taught by Baron with respect to monitor 28 in FIG. 2 (*Office Action dated June 14, 2006*, p. 6). FIG 2 shows local television broadcast station 12 and monitor (screen display device) 28 is a monitor therein. As set forth above, Applicant's claimed microcontroller (and thus operating interface means) is within the monitoring station. If one accepts Examiner's construct that host computer 16, weather data sources 18, and local sensor pack 57 are equivalent to Applicant's monitoring station, then the rejection of this claim cannot stand, for monitor 28 is not within the 'monitoring station' (i.e., host computer 16, weather data sources 18, and local sensor pack 57) of Baron. Claims 53-60 depend directly or indirectly from claim 52, and thus the same argument applies to these claims.

RECEIVED
CENTRAL FAX CENTER
SEP 14 2006

In view of the foregoing and the arguments previously submitted during the prosecution of this application, Applicant respectfully comes before the Panel and requests that the Panel members find that there is a clear deficiency in the Examiner's *prima facie* case, that the instant application is allowed on the existing claims 34-88, and that prosecution is therefore closed.

Respectfully submitted,
JEFFREY C. SCHROEDER



BY:
Lise A. Rode
Attorney for Applicant
Reg. No. 37,226

Unisys Corporation
Unisys Way, M/S E8-114
Blue Bell, Pennsylvania 19424-0001
P: (215) 986-5169
F: (215) 986-3090

The Director for Patents is hereby authorized to charge payment to Deposit Account No. 19-3790 of any fees associated with this communication.

I hereby certify that this correspondence is being transmitted via facsimile ((571) 273-8300) to the United States Patent and Trademark Office on the date shown below.

September 14, 2006